

FILED

United States District Court

FEB 28 2020

EASTERN District of CALIFORNIA

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK *R*

In the Matter of the Seizure of
(Briefly describe the property to be seized)

The aircraft log books and related records to the
seized 1979 Learjet 25D Century III, Tail No.
N25CY, located in Newton, Kansas.

**APPLICATION FOR A WARRANT TO SEIZE
PROPERTY SUBJECT TO FORFEITURE**

CASE NUMBER:

2:20-SW-225-AC

I, a federal law enforcement officer or attorney for the government, request a seizure warrant and state under penalty of perjury that I have reason to believe that the following property in the District of KANSAS is subject to forfeiture to the United States of America (*describe the property*):

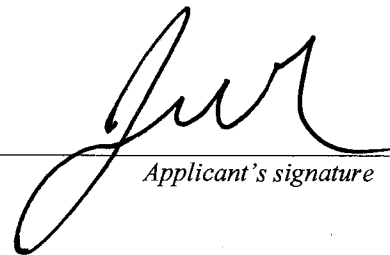
The aircraft log books and related records to the seized 1979 Learjet 25D Century III, Tail No. N25CY, located in Newton, Kansas.

The property is subject to seizure pursuant to 21 U.S.C. § 881(b), incorporating 18 U.S.C. § 981(b), and subject to forfeiture pursuant to 21 U.S.C §§ 881(a)(4) and (a)(6), concerning violations of 21 U.S.C. §§ 841(a)(1) and 846.

The application is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.



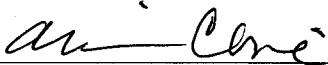
Applicant's signature

Joshua Matas, Special Agent, DEA
Printed name and title

Sworn to before me and signed in my presence.

Date

2/28/20
Sacramento, California
City and State



Judge's signature

Allison Claire, U.S. Magistrate Judge
Printed name and title

I, Joshua Matas, Special Agent, Drug Enforcement Administration (“DEA”), United States Department of Justice, presently assigned to the Sacramento District Office, being duly sworn, do hereby state as follows:

1. On January, 24, 2020, I was the affiant in support of a Seizure Warrant (2:20-SW-0068-EFB) for a 1979 Learjet 25D Century III, Tail No. N25CY (“Learjet”), owned by Manish PATEL, based on violations of the federal Controlled Substances Act. This seizure warrant was signed by this Court on January, 24, 2020. All of the facts stated in that seizure warrant affidavit remain true and support this seizure warrant as well, and are specifically incorporated by reference.
2. On February 3, 2020, I participated in the execution of the seizure warrant for the Learjet. It is common knowledge the value of an asset such as the Learjet, corresponds heavily to the existence and upkeep of maintenance records and related documents. The absence or destruction of the maintenance records and related documents would reduce the value of the Learjet to a point where the initiation of seizure and forfeiture proceedings by the U.S. Government would no longer be advised.
3. The Learjet maintenance records and related documents were not located inside the Learjet (or on premises) in Sacramento, California at the time the seizure warrant was executed. Instead, they were stored in Kansas for safekeeping by a company named Avcon Industries. Law enforcement has been in contact with Avcon’s counsel, Mr. Chris Reedy, who stated that to produce the logbooks to the government the company required a specific seizure warrant for the logbooks. Specifically, Mr. Reedy’s written correspondence explained, “Avcon needs an order that specifically addresses the log books as part of the airplane and that the log books are located in Newton, Kansas.” Mr. Reedy provided the below asset description for the logbook seizure.
4. Therefore, I have reason to believe that the following property in the District of Kansas is subject to forfeiture to the United State of America :
 - a. The aircraft log books and related records to the seized 1979 Learjet 25D Century III, Tail No. N25CY, located in Newton, Kansas.
5. As detailed in the seizure warrant affidavit of January 24, 2020, PATEL is known to use the Learjet to facilitate interstate trafficking of marijuana and marijuana derivatives. On August 14, 2019, I was the affiant for a federal arrest warrant (2:19-MJ-0128) issued for Manish PATEL.
6. This Affidavit is made in support of a warrant to seize the above personal property pursuant to 21 U.S.C. § 881(b) incorporating 18 U.S.C. § 981(b). The property identified above is subject to forfeiture


pursuant to 21 U.S.C. §§ 881(a)(4) and (a)(6) as they represent proceeds traceable to the sale of controlled substances or were used or intended to be used to facilitate a federal drug crime in violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 846.

7. Pursuant to 18 U.S.C. § 981(b)(3), and notwithstanding the provisions of Rule 41(a) of the Federal Rules of Criminal Procedure, a seizure warrant may be issued pursuant to this subsection by a judicial officer in any district in which a forfeiture action against property may be filed under section 1355(b) of Title 28, and may be executed in any district in which the property is found, or transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement. There is substantial probability that the United States will prevail on the issue of forfeiture. Your affiant believes that a failure to issue a seizure warrant will result in the above-described asset being transferred, liquidated, or removed from the jurisdiction of this court and/or being otherwise made unavailable for forfeiture.
8. I request the issuance of a seizure warrant for the following property that facilitated or is proceeds from the distribution and sale of marijuana and marijuana derivatives:
- a. The aircraft log books and related records to the seized 1979 Learjet 25D Century III, Tail No. N25CY, located in Newton, Kansas.

I swear under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Joshua Matas
Special Agent
Drug Enforcement Administration

Reviewed and approved as to form:


Kevin C. Khasigian
Assistant U.S. Attorney

Subscribed and sworn to before me
this 28 day of February, 2020.


HON. ALLISON CLAIRE
United States Magistrate Judge

United States District Court

EASTERN District of CALIFORNIA

In the Matter of the Seizure of
(Briefly describe the property to be seized)

The aircraft log books and related records to the seized 1979 Learjet 25D Century III, Tail No. N25CY, located in Newton, Kansas.

WARRANT TO SEIZE PROPERTY SUBJECT TO FORFEITURE

CASE NUMBER:

2:20 SW - 225 - AC

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests that certain property located in the District of KANSAS be seized as being subject to forfeiture to the United States of America. The property is described as follows:

The aircraft log books and related records to the seized 1979 Learjet 25D Century III, Tail No. N25CY, located in Newton, Kansas.

The property is subject to seizure pursuant to 21 U.S.C. § 881(b), incorporating 18 U.S.C. § 981(b), and subject to forfeiture pursuant to 21 U.S.C §§ 881(a)(4) and (a)(6).


I find that the affidavit(s) and any recorded testimony establish probable cause to seize the property.

YOU ARE COMMANDED to execute this warrant and seize the property within 14 days in the daytime 6:00 a.m. to 10:00 p.m. You must also give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

An officer present during the execution of the warrant must prepare, as required by law, an inventory of any property seized and the officer executing the warrant must promptly return this warrant and a copy of the inventory to ALLISON CLAIRE or Any U.S. Magistrate in the Eastern District of California.

2/28/20 3:10 pm
Date and Time Issued

Sacramento, California
City and State


Judge's signature

Allison Claire, U.S. Magistrate Judge
Printed name and title

AO 109 (Rev. 11/13) Warrant to Seize Property Subject to Forfeiture (Page 2)

RETURN

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of:

Inventory of the property taken:

CERTIFICATION

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title

Subscribed, sworn to, and returned before me this date.

U.S. Judge or Magistrate_____
Date